

IN RE: PETITION FOR VARIANCE	* BEFORE THE
NW/S Gardman Avenue, 10' SW of	* DEPUTY ZONING COMMISSIONER
the c/l of Pleasant View Avenue	* OF BALTIMORE COUNTY
(1406-A Gardman Avenue)	* Case No. 95-13-A
3rd Election District	*
2nd Councilmanic District	
Charles Powell, Jr., et ux	
Petitioners	

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 1406-A Gardman Avenue, located in the vicinity of Lake Roland in northwestern Baltimore County. The Petition was filed by the owners of the property, Charles Powell, Jr., and his wife, Catherine Powell. The Petitioners seek relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 9 feet in lieu of the minimum required 10 feet, a sum of the side yards of 10 feet in lieu of the required 25 feet and to approve an undersized lot, pursuant to Section 304 of the B.C.Z.R., for a proposed dwelling. The subject property and relief sought are more particularly described on the plat submitted as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Charles and Catherine Powell, property owners, and Alex Vallair, Mrs. Powell's father. Appearing as Protestants in the matter were several residents of the surrounding community, including Mary S. Turner, the adjoining property owner, Valerie M. Brown, President of the Pleasant View Civic Association, Sadie Smarr, Emma Bright, and Miriam Chavis.

At the onset of the hearing, the Petitioners modified the Petition and the site plan to withdraw their request for a side yard setback of 9 feet, and to request a side setback sum of 22 feet in lieu of the

ORDER RECEIVED FOR FILING

Date 8/19/94

By [Signature]

MICROFILMED

requested 19-foot sum. Apparently, the building envelope shown on the site plan incorrectly reflected that a 9-foot setback would be provided on the east side of the property. However, a setback of 12 feet will be provided on that side, and as such, no variance is needed for the east side. Furthermore, the total sum of the side yards provided is greater than the amount originally thought, and therefore, a side setback sum of 22 feet in lieu of the requested 19 feet will be provided. The site plan and Petition filed were amended accordingly and the hearing on the matter then proceeded.

Testimony and evidence offered revealed that the subject property consists of .158 acres, more or less, zoned D.R. 3.5 and is presently unimproved. The property is located in the community of Pleasant View, an older subdivision which was developed many years ago. Testimony revealed that Mrs. Powell's father, Mr. Vallair, has owned the property for the past nine years, and presently resides down the street from this lot. In fact, Catherine Powell was raised in this neighborhood. The Petitioners wish to raise their own family in this community and seek to develop this property with a single family dwelling. Because the property does not meet current lot width and area requirements of the B.C.Z.R., the requested variances are necessary in order to proceed with development as proposed.

When an undersized lot is an issue, design plans for a proposed dwelling must be submitted to the Office of Planning and Zoning for review and approval to insure that the house to be constructed conforms to other houses in the neighborhood. In this case, Mr. J. Francis Morsey, reviewed the design plans submitted and recommended approval of the variance relief sought, based on the fact that the proposed dwelling conforms to the other homes in this neighborhood.

It should also be noted that a paper street exists on the east side of the subject lot adjoining Mary Turner's property. This paper road is 20 feet wide and is depicted on the Petitioner's site plan as Pleasant View Avenue. The Petitioners have requested that this road be permanently closed so that an additional 10 feet could be added to their property. The status of this road closing remains uncertain at this time; however, regardless of whether this road closing takes effect, there still exists that additional 20 feet of roadway which acts as a buffer between the proposed dwelling and the adjoining property of Mary Turner.

As stated previously, many residents of the surrounding community appeared in opposition to the Petitioner's request. None of the residents are opposed to the building of a house on the subject property, and in fact, support a dwelling on this lot for Mr. & Mrs. Powell. However, the Protestants are opposed to a two-story dwelling on this lot. They noted that this lot sits on the high point in this particular community and they believe that a two-story dwelling at this location will be too tall and impair the view from their homes.

As noted earlier, the design plans of the proposed dwelling were submitted to the Office of Planning and Zoning for review and were approved by Mr. Francis Morsey who determined that the proposed dwelling is compatible with the other homes in this community. Based on his recommendations, I am persuaded to grant the relief requested.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a

ORDER RECEIVED FOR FILING

Date

By

permitted purpose or render conformance unnecessarily burdensome;

2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28
(1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested, as modified, should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 19th day of August, 1994 that a variance from

1994 AUG 19 PM 4:00

Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback sum of 22 feet in lieu of the required 25 feet, and to approve an undersized lot, pursuant to Section 304 of the B.C.Z.R., for a proposed dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) All water runoff from the proposed development shall be directed away from the adjoining properties.
- 3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.



TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 8/19/94
By [Signature]

MICROFILMED

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

August 19, 1994

Mr. & Mrs. Charles Powell, Jr.
16 Dauber Court
Baltimore, Maryland 21244

RE: PETITION FOR VARIANCE
NW/S Gardman Avenue, 10' SW of the c/l of Pleasant View Avenue
(1406-A Gardman Avenue)
3rd Election District - 2nd Councilmanic District
Charles Powell, Jr., et ux - Petitioners
Case No. 95-13-A

Dear Mr. & Mrs. Powell:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Ms. Mary S. Turner
1406 Gardman Avenue, Baltimore, Md. 21209

Ms. Valerie M. Brown
6209 Pleasant View Avenue, Baltimore, Md. 21209

People's Counsel

~~File~~

NOT RECORDED



#13



Petition for Variance

to the Zoning Commissioner of Baltimore County

95-13-A

for the property located at 1406 A Gardman Avenue (Lot 3)
which is presently zoned DR 3.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

1B02.3.C.1 --- To permit a ~~0-foot side setback~~ and a ~~19-foot side setback~~ sum in lieu of ~~10 feet~~ and 25 feet, respectively, and to approve an undersized lot pursuant to Section 304.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

BECAUSE WE ARE BUILDING A HOUSE 38 FEET IN WIDTH ON A LOT ONLY 50 FEET WIDE, WE ARE 3 FEET SHORT OF MEETING THE "SETBACK" REQUIREMENT OF 25 FEET.
1) BANK FINANCING (6 7/8%) WAS APPROVED IN FEBRUARY 1994 & MIGHT BE JEOPARDIZED BY CONTINUING DELAYS. 2) ALTERATIONS TO THE FINAL HOUSEPLANS WOULD BE PROHIBITIVELY EXPENSIVE. 3) AT THE REQUEST OF THE BUILDER, WE HAD THE ADJOINING PAPER STREET CLOSED, A PROCESS WE NOW FIND WAS USELESS.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Contract Purchaser/Lessee

Legal Owner(s)

(Type or Print Name)

CHARLES POWELL JR
(Type or Print Name)

Signature

Charles Powell Jr
Signature

Address

CATHERINE POWELL
(Type or Print Name)

City State Zipcode

Catherine Powell
Signature

Attorney for Petitioner

(Type or Print Name)

16 DAUBER COURT 265-6804
Address Phone No

Signature

BALTIMORE MD 21244
City State Zipcode
Name, Address and phone number of representative to be contacted.

Address Phone No

Name Address Phone No

City State Zipcode

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1 hr
unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: MSK DATE 7/14/94

Printed with Soybean Ink on Recycled Paper



ORDER RECEIVED FOR FILING
Date 8/19/94
By [Signature]

95-13-A

ZONING DESCRIPTION FOR LOT 3 PLEASANT VIEW

Election District 3

Councilmanic District 2

BEGINNING at a point at the intersection of the northwest side of Gardman Avenue which is 20 feet wide and the southwest side of Pleasant View Avenue which is 20 feet wide (as proposed to be closed). Being Lot # 3 in the subdivision of Pleasant View as recorded in Baltimore County Plat Book # 10 folio # 82, containing 6880 square feet, or 0.158 acres of land, more or less.



#13

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

93-13-A

District 3rd Date of Posting 7/22/94
Posted for: Varlenco
Petitioner: Charles, Jr. & Catherine Powell
Location of property: 1406 W. Gardman Ave. lot #3
Location of Signs: Facing road way on property being zoned
Remarks: _____
Posted by W. H. H. H. H. Date of return: 7/29/94
Signature
Number of Signs: 1



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CERTIFICATE OF PUBLICATION

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case Number:
95-13-A (Item 13)
1406-A Gardman Avenue,
Lot #3
NW/S Gardman Avenue,
10' SW of c/l Pleasant
View Avenue
3rd Election District
2nd Councilmanic
Petitioner(s):

Charles Powell, Jr.
and Catherine Powell
HEARING: WEDNESDAY,
AUGUST 17, 1994 at 11:00
a.m. in Rm. 118, Old
Courthouse.

Variance: to permit a 8-foot
side setback and a 19-foot side
setback sum in lieu of 10 feet
and 25 feet, respectively; and to
approve an undersized lot.

LAWRENCE E. SCHMIDT,
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Hand-
icapped accessible; for special
accommodations. Please Call
887-3353.

(2) For Informa-
tion concerning the File and/or
Hearing, Please Call 887-3391.

7/310 July 28.

TOWSON, MD.,

July 29, 1994

THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper published
in Towson, Baltimore County, Md., once in each of 1 successive
weeks, the first publication appearing on July 28, 1994.

THE JEFFERSONIAN,

A. Henickson

LEGAL AD. - TOWSON

~~Signature~~

7/28/94



Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

95-13-A

Account: R-001-6150

Number

Item Number: 13

Taken In By: MFK

Date 7/14/94

Charles Powell Jr - 1406 A Gardman Ave.

010 - Res Zoning Variance - \$50.00

080 - 1 sign posting - \$35.00

\$85.00

MICROFILMED

02/02/2004 09:00 AM

By: COMMISSIONER 10-21

100.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
 - 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.
- NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 13

Petitioner: Charles Powell Jr.

Location: 1406 A Gardman Avenue

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Charles Powell Jr.

ADDRESS: 16 Dauber Ct.

Balto. MD. 21244

PHONE NUMBER: 265-6804

MICROFILMED

AJ:ggs

(Revised 04/09/93)

TO: PUTUXENT PUBLISHING COMPANY
July 28, 1994 Issue - Jeffersonian

Please forward billing to:

Charles Powell, Jr.
16 Dauber Court
Baltimore, Maryland 21244
265-6804

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-13-A (Item 13)
1406-A Gardman Avenue, Lot #3
NW/S Gardman Avenue, 10' SW of c/l Pleasant View Avenue
3rd Election District - 2nd Councilmanic
Petitioner(s): Charles Powell, Jr. and Catherine Powell
HEARING: WEDNESDAY, AUGUST 17, 1994 at 11 a.m. Rm. 118 Old Courthouse.

Variance to permit a 9-foot side setback and a 19-foot side setback sum in lieu of 10 feet and 25 feet, respectively; and to approve an undersized lot.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

887-3391

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

JULY 25, 1994

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-13-A (Item 13)
1406-A Gardman Avenue, Lot #3
NW/S Gardman Avenue, 10' SW of c/l Pleasant View Avenue
3rd Election District - 2nd Councilmanic
Petitioner(s): Charles Powell, Jr. and Catherine Powell
HEARING: WEDNESDAY, AUGUST 17, 1994 at 11 a.m. Rm. 118 Old Courthouse.

Variance to permit a 9-foot side setback and a 19-foot side setback sum in lieu of 10 feet and 25 feet, respectively; and to approve an undersized lot.

A handwritten signature in black ink, appearing to read "Arnold Jablon". The signature is fluid and cursive, with a large initial "A" and a long, sweeping underline.

Arnold Jablon
Director

cc: Charles and Catherine Powell

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

MICROFILMED



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

August 2, 1994

(410) 887-3353

Mr. & Mrs. Charles Powell, Jr.
16 Dauber Court
Baltimore, MD 21244

RE: Item No. 13, Case No. 95-13-A
Petitioner: Charles Powell, et ux
Petition for Variance

Dear Mr. & Mrs. Powell:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on July 14, 1994, and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

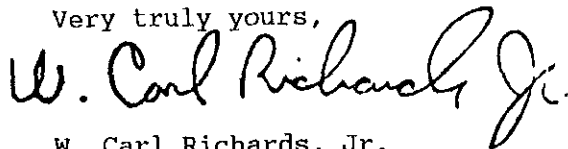
RECORDED



2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

Very truly yours,

A handwritten signature in cursive script that reads "W. Carl Richards, Jr." The signature is written in dark ink and is positioned above the printed name and title.

W. Carl Richards, Jr.
Zoning Coordinator

WCR:jw

Enclosures

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 07/27/94

Arnold Fabian
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP 1105

RE: Property Owner: SEE BELOW

LOCATION: SEE BELOW

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshall's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 7, 9, 10, 12 AND 13.

RECEIVED

JUL 28 1994

ZADM

REVIEWER: C. ROBERT F. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

RECEIVED





Maryland Department of Transportation
State Highway Administration

O. James Lightizer
Secretary
Hal Kassoff
Administrator

7-20-94

Ms. Charlotte Minton
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County

Item No.: # 13 (MJK)

95-13-A

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for *DAVID N. RAMSEY, ACTING CHIEF*
~~John Contestabile, Chief~~
Engineering Access Permits
Division

BS/

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202



RE: PETITION FOR VARIANCE
1406-A Gardman Avenue, Lot #3, NW/S
Gardman Ave, 10' SW of c/l Pleasant
View Avenue, 3rd Election District,
2nd Councilmanic

Charles Powell, Jr., et ux.
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 95-13-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of August, 1994, a copy of the foregoing Entry of Appearance was mailed to Charles Powell, Jr. and Catherine Powell, 16 Dauber Court, Baltimore, MD 21244, Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

MICROFILMED

INTER-OFFICE CORRESPONDENCE
RECOMMENDATION FORM

#13

TO: Director, Office of Planning and Zoning
Attn: Ervin McDaniel
County Courts Bldg, Rm 408
401 Bosley Av
Towson, MD 21204

FROM: Arnold Jablon, Director, Zoning Administration and Development Management

B 204304
Permit Number

RE: Undersized Lots
Pursuant to Section 304.2(Baltimore County Zoning Regulations) effective June 25, 1992; this office is requesting recommendations and comments from the Office of Planning & Zoning prior to this office's approval of a dwelling permit.

MINIMUM APPLICANT SUPPLIED INFORMATION:

☒ Charles and Catherine Powell 16 Dauber Ct., Baltimore 21244 265-6804
Full Name of Applicant Address Telephone Number

☒ Lot Address Lot 3 1406 A Gardman Avenue Election District 3 Council District 2 Square Feet

Lot Location: NE SW side / corner of Gardman Avenue feet from NE SW corner of Pleasant View Avenue.
(street) (street)

Land Owner Charles and Catherine Powell Tax Account Number 0302068125

Address 16 Dauber Court Telephone Number 265-6804
Baltimore, MD 21144

☒ CHECKLIST OF MATERIALS: (to be submitted for design review by the Office of Planning and Zoning)
PROVIDED?

	YES	NO
1. This Recommendation Form (3 copies)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Permit Application - 7-6-94 (copy attached)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Site Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Property (3 copies)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Topo Map (available in Rm 200 C.O.D.) (2 copies) (please label site clearly)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Building Elevation Drawings	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Photographs (please label all photos clearly)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Adjoining Buildings (previously submitted)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Surrounding Neighborhood	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Residential Processing Fee Paid
Codes 030 & 080 (000)

Accepted by: ZADM

Date:

TO BE FILLED IN BY THE OFFICE OF PLANNING AND ZONING ONLY

RECOMMENDATIONS/COMMENTS:

☒ Approval ☐ Disapproval ☐ Approval conditioned on required modifications of the permit to conform with the following recommendations:

Post-it Fax Note	7871	Date	7/11/94	# of Pages	2
To	Scott Dallas	From	Mitch Kellman		
Co/Dept.		Co.	ZADM		
Phone #	866-26037	Phone #	887-3311		
Fax #		Fax #	887-5708		

Signed by: Francis Morsey
for the Director, Office of Planning & Zoning

MICROFILMED

Date: 7-29-94

INTER-OFFICE CORRESPONDENCE
RECOMMENDATION FORM

#13

TO: Director, Office of Planning and Zoning
Attn: Ervin McDaniel
County Courts Bldg, Rm 408
401 Bosley Av
Towson, MD 21204

B 204304
Permit Number

FROM: Arnold Jablon, Director, Zoning Administration and Development Management

RE: Undersized Lots

Pursuant to Section 304.2(Baltimore County Zoning Regulations) effective June 25, 1992; this office is requesting recommendations and comments from the Office of Planning & Zoning prior to this office's approval of a dwelling permit.

MINIMUM APPLICANT SUPPLIED INFORMATION:

☒ Charles and Catherine Powell 16 Dauber Ct., Baltimore 21244 Telephone Number 265-6804
First Name of Applicant Address Telephone Number
☒ Lot Address Lot 3 1406 A Gardman Avenue Election District 3 Council District 2 Square Feet
Lot Location (NE SW) side / corner of Gardman Avenue feet from NE SW corner of Pleasant View Avenue (street)
Land Owner Charles and Catherine Powell Tax Account Number 0302068125
Address 16 Dauber Court Telephone Number 265-6804
Baltimore, MD 21144

☒ CHECKLIST OF MATERIALS: (to be submitted for design review by the Office of Planning and Zoning)
PROVIDED?

	YES	NO
1. This Recommendation Form (3 copies)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Permit Application - 7-6-94 (copy attached)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Site Plan		
Property (3 copies)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Topo Map (available in the 200 C.O.B.) (2 copies) (please label site clearly)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Building Elevation Drawings	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Photographs (please label all photos clearly)		
Adjoining Buildings	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Surrounding Neighborhood	<input checked="" type="checkbox"/>	<input type="checkbox"/>

(previously submitted)
w/ Lenwood Johnson

Residential Processing Fee Paid
Codes 030 & 080 (\$80)
Accepted by: ZACM
Date:

TO BE FILLED IN BY THE OFFICE OF PLANNING AND ZONING ONLY

RECOMMENDATIONS/COMMENTS:

☐ Approval ☐ Disapproval ☐ Approval conditioned on required modifications of the permit to conform with the following recommendations:

Post-It Fax Note	7871	Date	7/11/94	# of pages	2
To	Scott Dallas	From	Mitch Kellman		
Co./Dept.		Co.	3 ADM		
Phone #	866-2603	Phone #	887-3371		
Fax #		Fax #	887-5708		

Signed by: _____
for the Director, Office of Planning & Zoning

Date:

Powell
file

APPLICATION FOR PERMIT
BALTIMORE COUNTY MARYLAND
OFFICE OF THE BUILDING ENGINEER
TOWSON, MARYLAND 21204

6 July 74

OEA: JF/UB

#13

PERMIT #: 204304
RECEIPT #: 227464
CONTROL #: A/R
REF #:

PROPERTY ADDRESS 1406A Cantonian / Hopkins
Baltimore, MD 21209

SUBDIV: Planned Unit Development
TAX ACCOUNT #: 0302 068723 DISTRICT/PRECINCT
OWNER'S INFORMATION (LAST, FIRST)
NAME: Powell, Charles J. & Catherine
ADDR: 16 Dunbar Court Baltimore, MD 21209

AGE: 100.5
VAL: 105.00
AID BY: Appl
INSPECTOR:

APPLICANT INFORMATION

NAME: Garett Fox
COMPANY: Drickmark Enterprises, Inc.
ADDR1: P.O. Box 218 Millersville, MD 21108
ADDR2: 8362 Veterans Highway Millersville, MD 21108
PHONE #: 410-787-1100 MHC LICENSE #:

HAVE CAREFULLY READ THIS APPLICATION
TO KNOW THE SAME IS CORRECT AND TRUE,
AND THAT IN DOING THIS WORK ALL PROVI-
SIONS OF THE BALTIMORE COUNTY CODE AND
APPROPRIATE STATE REGULATIONS WILL BE
COMPLIED WITH WHETHER HEREIN SPECIFIED
OR NOT AND WILL REQUEST ALL REQUIRED
INSPECTIONS.

BUILDING 1 or 2 FAM.
CODE CODE

73 BOCA CODE ☒
TYPE OF IMPROVEMENT

☒ NEW BLDG CONST
☐ ADDITION
☐ ALTERATION
☐ REPAIR
☐ WRECKING
☐ MOVING
☐ OTHER

APPLICANT
SIGNATURE: Garett Fox TRACT: BLOCK:
PLANS: CONST 2 PLOT 7 PLAT D DATA 0 EL 1 PL 1
TENANT
CONTR: Drickmark Enterprises, Inc.
ENGR:
SELLR:

DESCRIBE PROPOSED WORK: Const. A SFD, No 1st place.
28' x 24' x 32' 2,072 sq ft 3 Bedrooms.

Rec. Industrial Community

TYPE OF USE

RESIDENTIAL

☒ ONE FAMILY
☐ TWO FAMILY
☐ THREE AND FOUR FAMILY
☐ FIVE OR MORE FAMILY
(ENTER NO UNITS)
☐ SWIMMING POOL
☐ GARAGE
☐ OTHER

NON-RESIDENTIAL

08. AMUSEMENT, RECREATION, PLACE OF ASSEMBLY
09. CHURCH, OTHER RELIGIOUS BUILDING
10. FENCE (LENGTH HEIGHT)
11. INDUSTRIAL, STORAGE BUILDING
12. PARKING GARAGE
13. SERVICE STATION, REPAIR GARAGE
14. HOSPITAL, INSTITUTIONAL, NURSING HOME
15. OFFICE, BANK, PROFESSIONAL
16. PUBLIC UTILITY
17. SCHOOL, COLLEGE, OTHER EDUCATIONAL
18. SIGN
19. STORE MERCANTILE RESTAURANT
SPECIFY TYPE
20. SWIMMING POOL SPECIFY TYPE
21. TANK, TOWER
22. TRANSIENT HOTEL, MOTEL (NO. UNITS)
23. OTHER

TYPE FOUNDATION

SLAB
BLOCK
CONCRETE

BASEMENT

1. FULL
2. PARTIAL
3. NONE

TYPE OF CONSTRUCTION

MASONRY
WOOD FRAME
STRUCTURE STEEL
REINF. CONCRETE

TYPE OF HEATING FUEL

1. GAS
2. OIL
3. ELECTRICITY
4. COAL

TYPE OF SEWAGE DISPOSAL

1. PUBLIC SEWER EXISTS PROPOSED
2. PRIVATE SYSTEM
SEPTIC EXISTS PROPOSED
PRIVY EXISTS PROPOSED

CENTRAL AIR: 1. ☒ 2. ☐
ESTIMATED COST: \$ 95,000.00

MATERIALS AND LABOR

PROPOSED USE: SFD
EXISTING USE: vacant lot

OWNERSHIP

1. ☒ PRIVATELY OWNED 2. PUBLICLY OWNED 3. SALE 4. RENTAL

RESIDENTIAL CATEGORY:

1. ☒ DETACHED 2. SEMI-DET. 3. GROUP 4. TOWNHSE 5. MIDRISE
6. HIGHRISE

EFF: #1BED: #2BED: #3BED: TOT BED: TOT APTS/CONDOS:

FAMILY BEDROOMS

WASTE DISPOSAL 1. ☒ 2. N BATHROOMS 2 CLASS 04

POWDER ROOMS 1 KITCHENS 1 LIBER 10 FOLIO X2

BUILDING SIZE

FLOOR 2072

WIDTH 28'

DEPTH 29'

HEIGHT 32'

STORIES 2 + Basement

LOT #S 3

CORNER LOT

1. Y 2. ☒ N

LOT SIZE AND SETBACKS

SIZE 50' x

FRONT STREET

SIDE STREET

FRONT SETBK 35'

SIDE SETBK 10' / 19'

SIDE STR SETBK

REAR SETBK 179'

ZONING R2 B.

APPROVAL SIGNATURES

DATE

BLD INSP :
BLD PLAN :
FIRE :
SEDI CTL :
(ZONING) EX-1020K for 1st place 7/6/74
PUB SERV :
ENVRMNT :
PLANNING : E-120 CR 7/6/74
PERMITS :

MAKE CHECKS PAYABLE TO BALTIMORE COUNTY MARYLAND -- NO PERMIT FEES REFUNDED

13

7/15/94

Note to the Hearing Officer:

This variance request is also to approve ~~an~~ ^{an} undersized lot. This petition was filed with the understanding that per the applicant, there has never been adjacent common ownership within 10 years of the lot.

Mitch Kellman

This undersized lot request is filed with a zoning variance (#13) for setbacks

Note 9

7/14/94

To Whom It May Concern:

The undersigned persons, homeowners in the Pleasant View neighborhood, are aware that Charles and Catherine Powell have applied for a permit to build a house on the property located at 1406A Gardman Avenue. Each of them has seen the house plans accompanying the permit application and has been queried as to whether they support or oppose the construction of this particular house. Their responses are as follows:

I support the construction.	I oppose the construction.
1. Joan Case	1.
2. Alta C. Mowery	2.
3. Guy Appel Brown	3.
4. Phyllis E. Ward	4.
5. Aurora B. Chambers	5.
6. Sadie Smart	6.
7. Edith A. Fox	7.
8. Helen M. Fox	8.
9. Mary	9.
10. Norma R. Rasmussen	10.
11. Helen Rasmussen	11.
12. Faith Simpson	12.
13. Elson R. Smith	13.
14. Valerie M. Brown	14.
15. Gladys E. Reed	15.
16. William S. Gardner	16.
17. Robert M. Booth	17.
18.	18.
19.	19.
20.	20.
21.	21.
22.	22.

MICROFILMED

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

Mailed To

NAME

ADDRESS

*Mary S. Turner

Mary S. Turner

1406 Gardman Ave. Baltimore 21209

*Valerie M. Brown

6209 Pleasant View Ave. Baltimore

Crafton C. Reed

Lillian S. Gardner

6136 Duncoming Rd

MIRIAM P. CHAVIS

SADIE M. SMARR

Emma G. Bright

6209 Pleasant View Ave. 21209

1415 Gardman Av 21209

1404 Millbrook Rd. 21209

6136 Duncoming Rd 21239

1413 GARDMAN AV 21209

1408 Gardman Ave 21209

1416 Gardman Ave 21209

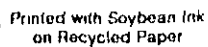
PETITIONER(S) SIGN-IN SHEET

ADDRESS

16 Nauber Court

Baltimore, Maryland 21244

6204 PLEASANT VIEW AVE 21209

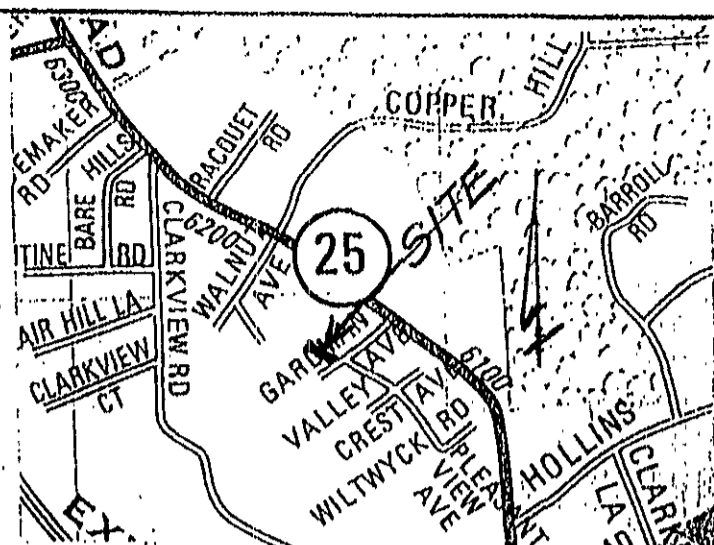


1967-1968

#13

NOTES:

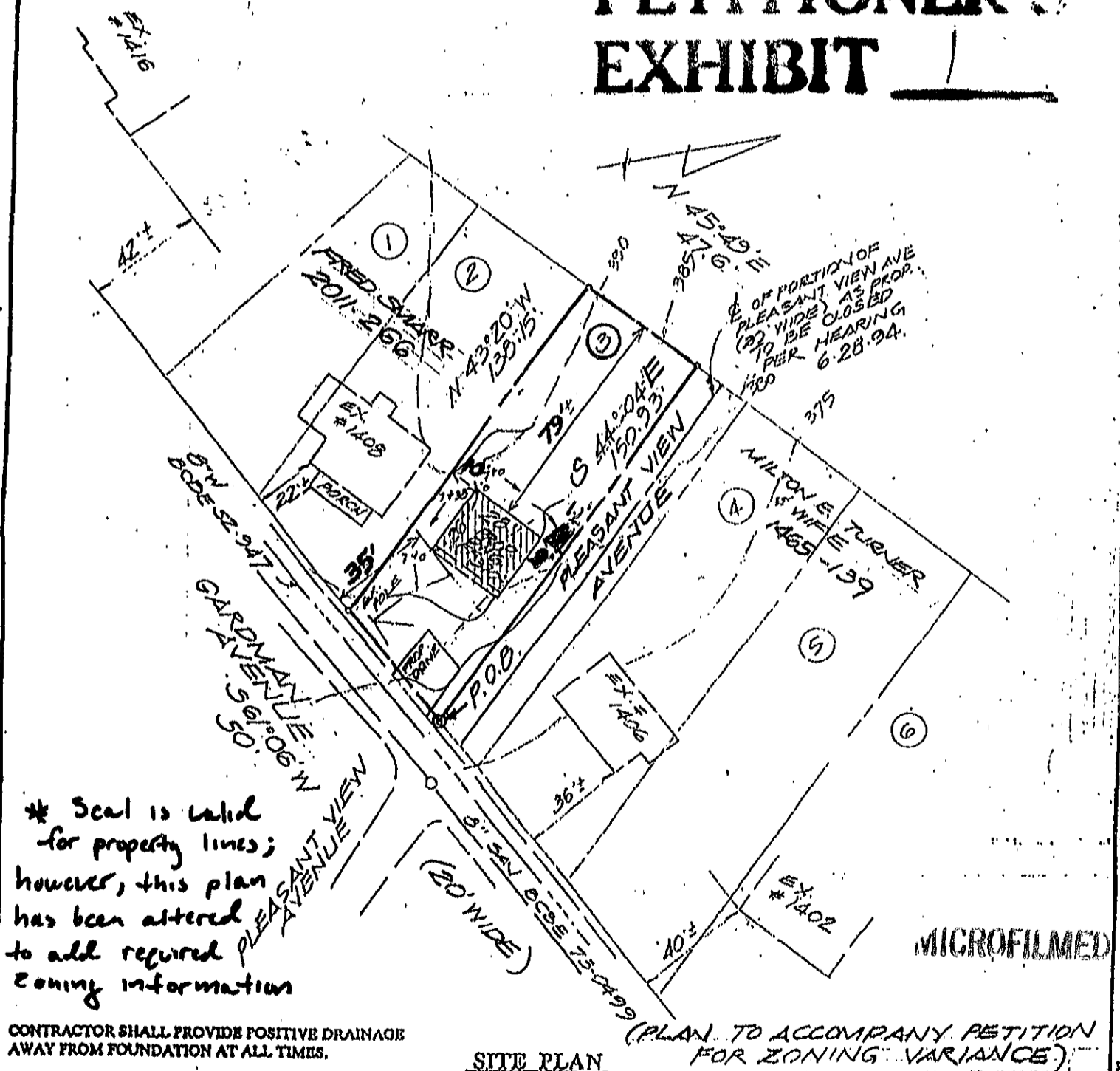
1. OWNER (LOT 3): Charles Jr. and Catherine Powell
2. EL. DIST. 3
COUNCIL DIST. 2
3. ZONING DR. - 3.5, .158 AC.
4. AV. NEIGH. FRONT STOK. 35'
5. Site is not within the Chesapeake Bay Critical Area



VICINITY MAP 1"=1000'

PETITIONER'S EXHIBIT

95-13-A



MICROFILMED

LOT 3, "PLEASANT VIEW"
(10-82)

J.S. DALLAS, INC.

Surveying & Engineering
4932 Hazelwood Avenue Baltimore, Md. 21206
(410) 866-2001

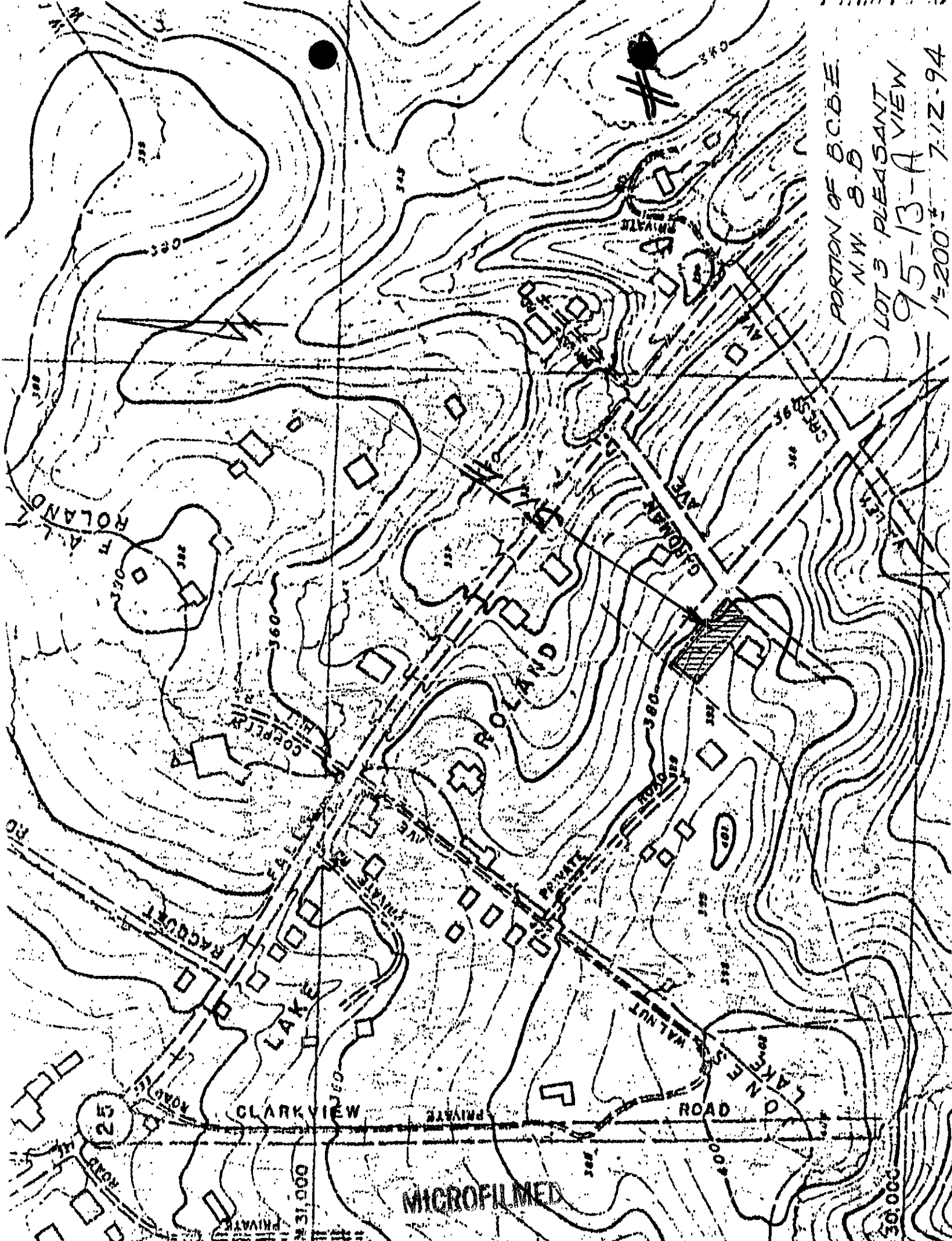
Date: 7-12-94

Scale: 1" = 50'

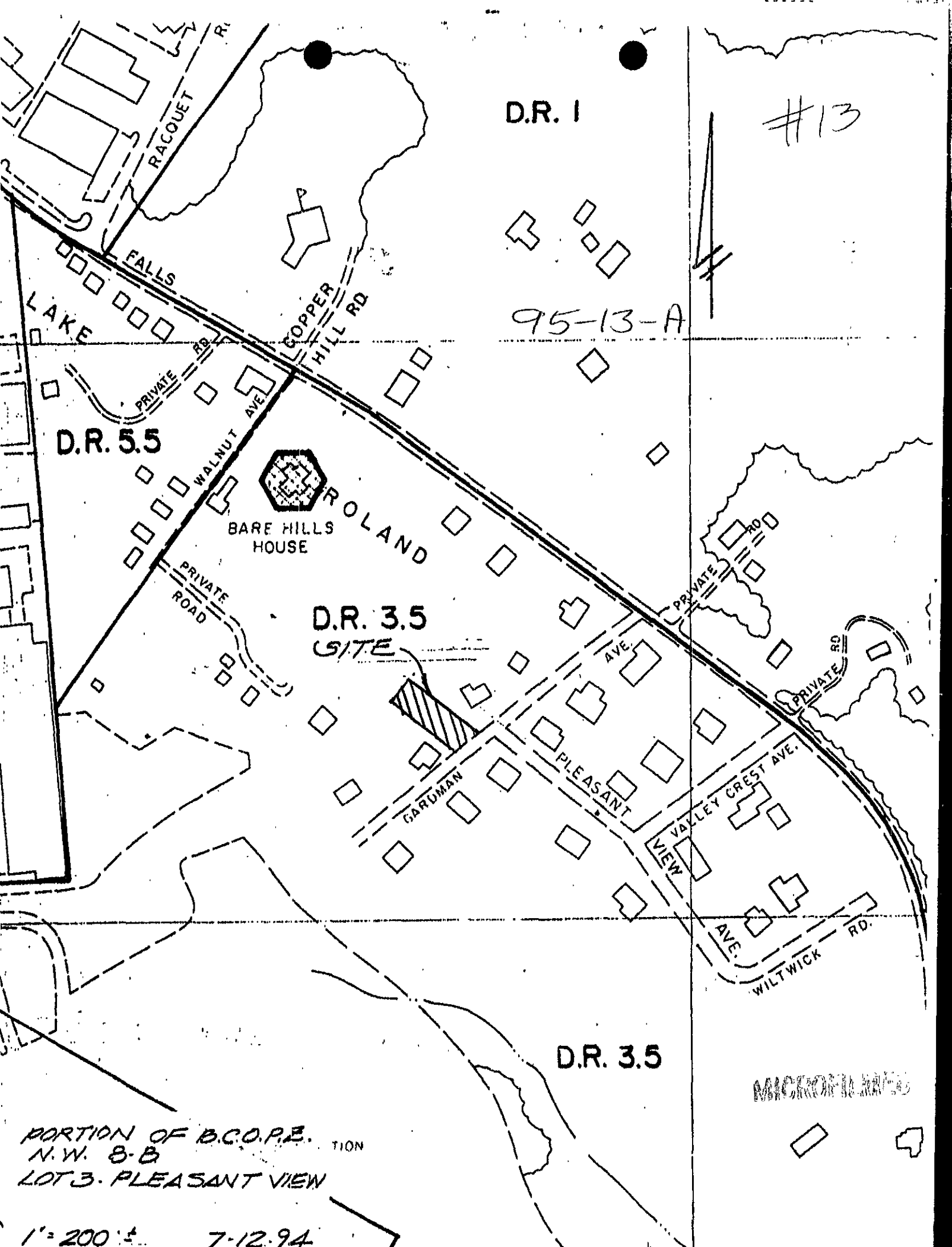
Job Number: P-161

Drawn By: JSD

Checked By:



PORTION OF B.C.D.E.
N.W. 8-D
LOT 3 PLEASANT
95-13-A VIEW
1/200 7-12-94



D.R. 1

#13

95-13-A

D.R. 5.5

BARE HILLS HOUSE

D.R. 3.5
SITE

D.R. 3.5

MICROFILMED

PORTION OF B.C.O.P.E. N.W. 8-B LOT 3. PLEASANT VIEW

1" = 200' 7-12-94

Protestant
Exhibits 1A-
1C
photographs
95-13-A

10/10/00



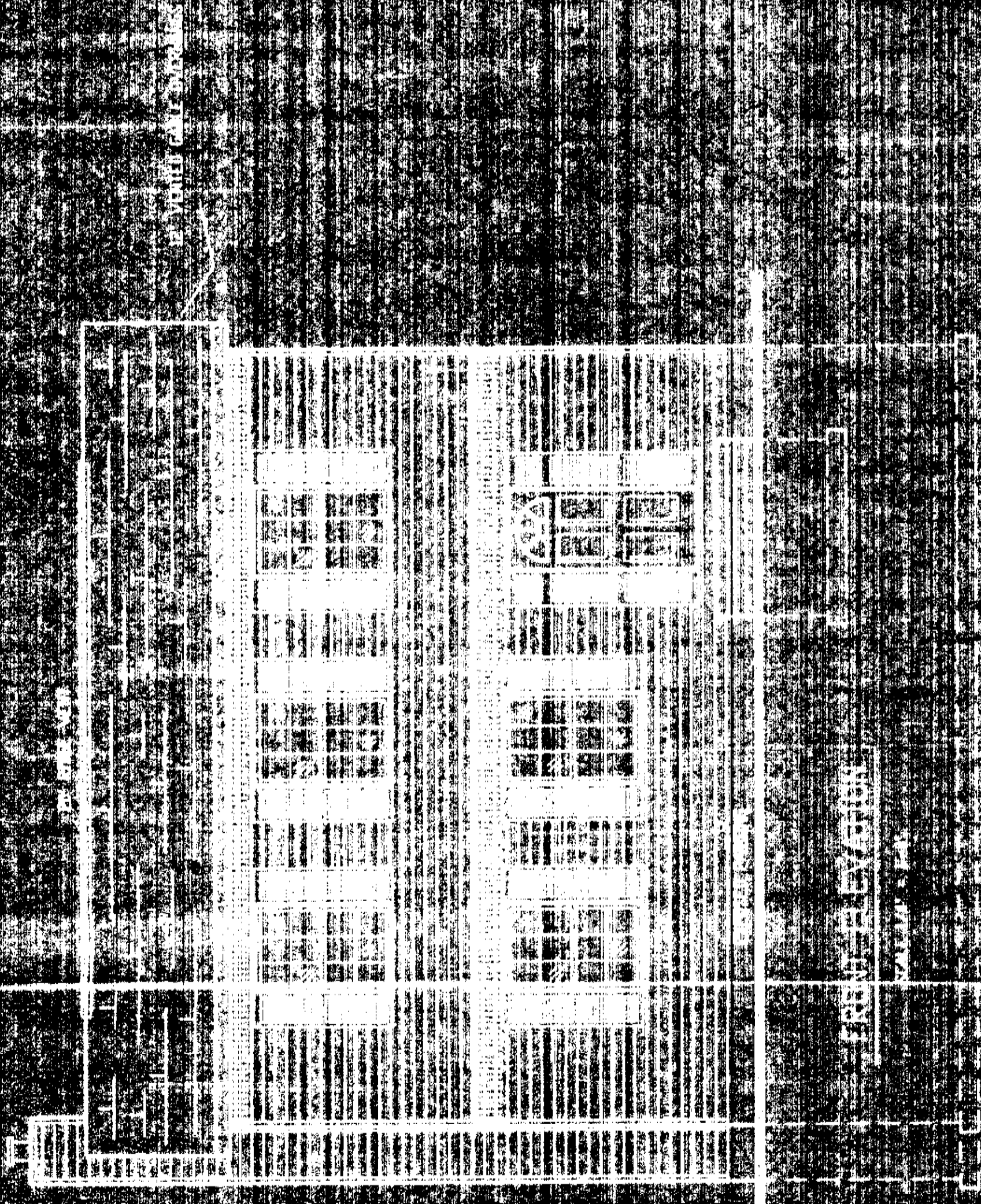
Prot Ex 1 A



Prot Ex 1 B

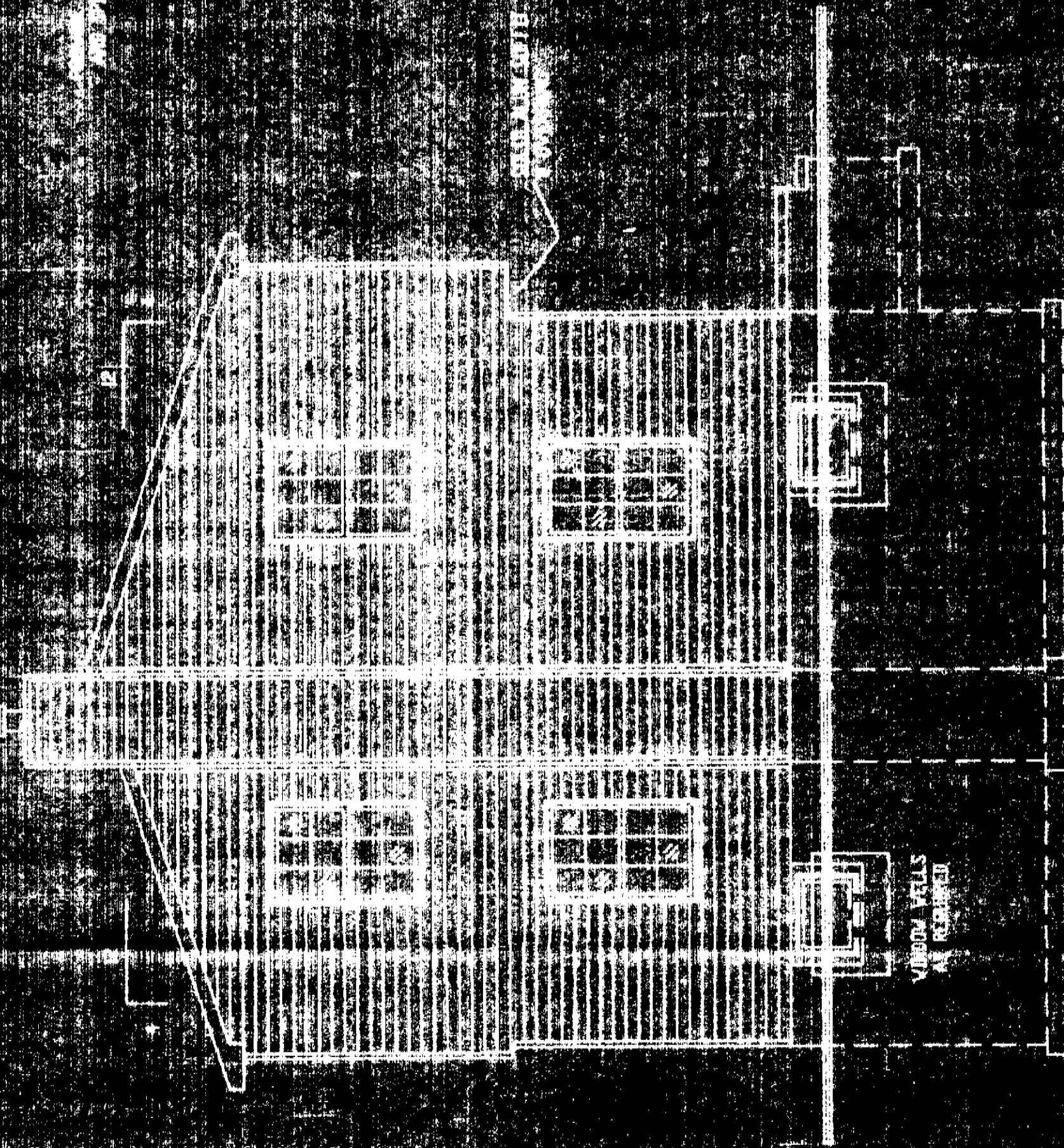


Prot Ex 1 C



FRONT ELEVATION

SECOND FLOOR 8'-4 1/2"
FIRST FLOOR 8'-1 1/2"
TOTAL 16'-5 1/2"
BASE 1'-0"



LEFT SIDE ELEVATION

SCALE 1/4" = 1'-0"

SECOND FLOOR 8'-4 1/2"
FIRST FLOOR 8'-1 1/2"
TOTAL 16'-5 1/2"
BASE 1'-0"

95-13-A

SEE ELEVATION AS SHOWN IN SECTION 1-1